

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,

v.

Clifton Jermaine Swinton

Case No. 4:09-cr-001145-TLW-1

Order

This matter is before the Court on Defendant Clifton Swinton's motion for early termination of supervised release. The Court denies the motion.

Swinton pled guilty to a charge of conspiracy to distribute 5 kilograms or more of cocaine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846. On July 26, 2010, the Court sentenced him within the Guidelines to one hundred sixty (160) months of imprisonment and five (5) years of supervised release. ECF No. 56. On January 23, 2020, Defendant's sentence was reduced to 145 months pursuant to 18 U.S.C. § 3582(c)(2). On July 29, 2020, Defendant began his term of supervised release. His probation term is scheduled to expire on or about July 29, 2025.

A district court may terminate a defendant's term of probation if, in the case of a felony, the defendant has completed at least one year of probation and, after considering the § 3553(a) factors, the court "is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3564(c). Defendant's motion for early termination states that he has maintained employment, has not been arrested or violated the terms of his supervision, and has started a new career as a machine operator. See ECF No. 86.

However, Defendant was convicted of a serious offense—conspiracy to

distribute 5 kilograms or more cocaine. He was a significant drug dealer who was held accountable for 49 kilograms of cocaine. PSR ¶ 21. Defendant is in a criminal history category of V. PSR ¶ 37. Defendant has an extensive criminal history for various drug related offenses dating back to 1994, including: possession of crack in 1994 for which he was sentenced to 3 years' probation, possession of cocaine in 1996 for which he was sentenced to another 2 years' probation, trafficking cocaine in 1998 for which was he sentenced to 5 years' imprisonment, possession of cocaine in 1999 for which he was sentenced to 2 years' imprisonment. PSR ¶¶ 28, 29, 30, 32, 33, 34. To date, Defendant has served less than half of his term of supervised release, which does not expire until July 2025. For the reasons stated, and after considering the § 3553(a) factors, the Court concludes that early termination of his term of supervised release is not warranted.

For these reasons, Calhoun's motion for early termination of probation, ECF No. 86, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

April 14, 2022
Columbia, South Carolina